

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 28 has been amended without narrowing the scope of the claims as would have been understood by one of ordinary skill in the art.

No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 1-32 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action at page 2, the Examiner rejects claim 28 under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. This rejection is respectfully traversed and reconsideration is requested.

Claim 28 has been amended as suggested by the Examiner in order to more clearly set forth the invention as would have been understood by one of ordinary skill in the art. As such, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

PROVISIONAL OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION:

On pages 2-3 of the Office Action, the Examiner provisionally rejects claims 1-32 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent Application No. 10/776,343. U.S. Patent Application No. 10/776,343 has not yet been indicated as being allowable. Since there remain no other outstanding rejections, it is respectfully requested that the provisional rejection be withdrawn and the application allow to issue in accordance with MPEP 804(I)(B).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

SERIAL NO. 10/776,352

DOCKET NO. 1793.1204

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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